IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 16th day of December 2003
Criminal Misc. Bail Application No. 1151/2003
Order on the bail application of accused.

CRIMINAL SIDE

Sanjay Patel S/o Ramanand Patel
R/o Bawara Police Station Baldhar
District Betia Bihar
Presently R/o Keshav Kunj Bag
P.S. Ranipur
District Haridwar .....Applicant.

Versus

State of Uttaranchal .....Opposite party.

Arising out of case crime No. 158/2003
U/S 18/20 of N.D.P.C. Act
P.S. Ranipur
District Haridwar.

By the court

Hon'ble Irshad Hussain J.

Heard Sri Vivek Shukla learned counsel for the applicant and learned A.G.A. for the State.

It is a case of recovery of 'Charas'. Attention has been drawn to the memo of recovery wherein it is clearly mentioned that there was prior information and despite this the search was effected and thereafter the applicant-accused was made aware of his right to be searched before a Magistrate or a gazetted Officer. It is submitted that section 50 of the N.D.P.S. Act was not complied. Considering this it is a fit case for bail. The bail application is allowed.

The applicant-accused Sanjay Patel shall be released in crime No. 158/2003 under sections 18/20 N.D.P.S. Act, P.S. Ranipur, District Haridwar on his executing a personal bond and two sureties each in the like amount to the satisfaction of C.J.M., Haridwar.

Dated: 16.12.2003 **(Irshad Hussain, J.)**
I.S.B.